UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,246	09/21/2000	Mark T. Anders	MS146917.1	8956

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4,5,6*.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for
patent by another filed in the United States before the invention thereof
by the applicant for patent, or on an international application by another
who has fulfilled the requirements of paragraphs (1), (2), and (4) of
section 371(c) of this title before the invention thereof by the applicant
for patent.

The changes made to 35 U.S.C. 102(e) by the American

Inventors Protection Act of 1999 (AIPA) and the Intellectual

Property and High Technology Technical Amendments Act of 2002 do

not apply when the reference is a U.S. patent resulting directly

or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference

is determined under 35 U.S.C. 102(e) prior to the amendment by

the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Holland et al US(6507867).

As per claim 1, Holland et al teach a network-based application,
comprising:

application and presentation logic (Fig. 4a, 450), at least
a portion of which is interchangeably processed by a server or a
client without modification to the portion [portion of the web
page bundle is processed in the Web server or locally in the
client Fig. 4a, Col. 8, lines 39-67 and Col. 9, lines 1-52; Col.
12, lines 17-61].

As per claim 2, Holland et al teach the network-based application
of claim 1 wherein core application functionality is preserved
between the client and the server [Col. 11, lines 12-34 and Col.
12, lines 17-61].

As per claim 3, Holland et al teach the network-based application
of claim 1, further comprising a mobile logic (executable code)
portion that may be downloaded from the server to the client
[Col. 12, lines 17-61].

As per claim 4, Holland et al teach the network-based application
of claim 3, wherein the mobile logic portion is loaded via a CD
or floppy disk [Col. 8, lines 39-55].
                                                     6

As per claim 5, Holland et al teach the network-based application
of claim 3, wherein the mobile logic portion further comprises

unguarded logic for lower security systems [accessing bundles
locally renders them to be unguarded Col. 12, lines 4-61].

As per claim 6, Holland et al teach the network-based application
of claim 3, wherein remote data is downloaded based upon a remote
data request [Fig. 4a, Col. 8, lines 58-67 and Col. 9, lines 1-
25].

As per claim 7, Holland et al teach the network-based application
of claim 6, wherein the remote data request is an HTTP request
[Col. 8, lines 58-67 and Col. 9, lines 1-25].

As per claim 8, Holland et al teach the network-based application
of claim 6, wherein the remote data is processed locally on the
client via local data requests directed at the mobile logic
portion [Col. 12, lines 17-61].

As per claim 9, Holland et al teach the network-based application
of claim 6, wherein the remote data is provided by at least one
of an XML and WML response [Col. 14, lines 15-24].

As per claim 10, Holland et al teach the network-based
application of claim 6, wherein the remote data is communicated
via at least one of the Internet, Intranet, or wireless networks
[Col. 8, lines 18-38].

As per claim 11, Holland et al teach an architecture for
processing networked-based applications, comprising: a
presentation tier for interacting with a networked-based
application at a client;

a mobile tier operatively coupled to the presentation tier,
the mobile tier (executable code) providing for executing at
least a portion of the networked-based application at either the
client end or a server [Col. 8, lines 39-67 and Col. 9, lines 1-
52; Col. 12, lines 17-61]; and

a guarded tier operatively coupled to at least one of the
mobile tier and presentation tier, the guarded tier providing for
executing remaining portions of the network-based application at
the server [Col. 8, lines 58-67 and Col. 9, lines 1-25]

As per claim 12, Holland et al teach the architecture of claim
11, further including a data tier operatively coupled to the
guarded tier, the data tier including data employed in connection
with executing the network-based application [Fig. 4a and Col.
12, lines 17-61]

As per claim 13, Holland et al teach the architecture of claim
11, wherein the guarded tier includes logic for enabling the
mobile tier to execute the network-based application [Col. 12,
lines 17-61]

As per claim 14, Holland et al teach the architecture of claim 12, wherein the presentation tier generates local requests to the mobile tier to manipulate data provided by the data tier [Col. 11, lines 12-34 and Col. 12, lines 17-61].

As per claim 15, Holland et al teach the architecture of claim 14, wherein the mobile tier executes applications logic associated with the guarded tier to manipulate data provided by the data tier [Fig. 4a, Col. 8, lines 39-67 and Col. 9, lines 1-65].

As per claim 16, Holland et al teach the architecture of claim 15, wherein the mobile tier processes local data requests offline and generates remote requests to the guarded tier to at least one of transmit and receive data associated with the data tier based upon the offline local requests [Col. 11, lines 12-67 and Col. 12, lines 1-61].

As per claim 17, Holland et al teach a computer-readable medium having computer-executable instructions for providing the architecture of claim 16 [Col. 8, lines 38-55].

As per claim 18, Holland et al teach a system for processing networked-based applications, comprising: means for interacting with a networked-based application at a client [Col. 8, lines 39-67 and Col. 9, lines 1-52]; and

means for executing at least a portion of the networked-based application at either the client end or a server based upon requests generated by the client Col. 8, lines 39-67 and Col. 9, lines 1-65].

As per claim 19, Holland et al teach the system of claim 18, further comprising means for supplying remote data employed in connection with executing local data requests associated with the network-based application [Fig. 4a, and Col. 11, lines 12-67 and Col. 12, lines 1-61].

As per claim 20, Holland et al teach the system of claim 19, further comprising means for requesting the local data requests offline and generating remote requests to at least one of transmit and receive data associated with the remote data based upon the offline local requests [Col. 11, lines 12-67 and Col. 12, lines 1-61].

As per claim 21, Holland et al teach a method for executing a network-based application, comprising:

executing at least a portion of a network-based application on a client computer, the network-based application comprising application and presentation logic, at least a portion of which is interchangeably processed by a server or the client without modification to the portion [Col. 11, lines 12-67 and Col. 12, lines 1-61].
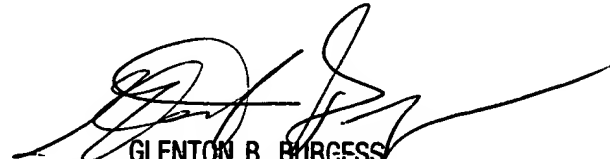
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin M Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-304-3900.

Yasin Barqadle
April 28, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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